

ITW

Office Action Summary

Application No.	Applicant(s)	
10/675,764	NGUYEN ET AL.	
Examiner	Art Unit	
Yelena G. Gakh, Ph.D.	1743	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/03/07.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 6, 8, 9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1, 2, 5, 6, 8, 9, 11-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

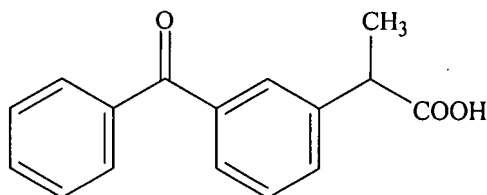


To : Dr. Yelena G. Gakh
US patent & Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

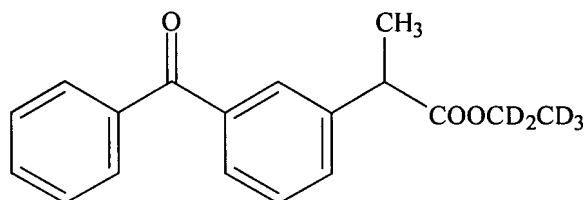
Re : Application No. 10/675,764
Art Unit 1743

Dear Dr. Yelena G. Gakh :

In response to the Office action dated 06/20/2007, we, the applicant, would like to elect the carboxylic acid $R_1\text{COOH}$ in which R_1 is an alkyl group as the elected species. A specific example of the elected species is 2-(3-benzoylphenyl)propionic acid whose chemical structure is shown in the following drawing :

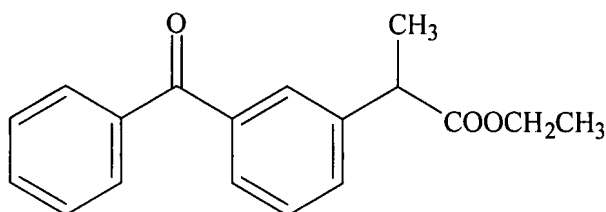


This acid species is allowed to react with ethyl chloroformate and ethanol-d5 in the presence of sodium carbonate to give the ethyl ester-d5 with the chemical structure shown in the following drawing :



The above ethyl ester-d5 is used as the stable isotope labeled internal standard. The acid in the sample is allowed to react with ethyl chloroformate and ethanol in the presence of

sodium carbonate to from ethyl ester with the chemical structure shown in the following drawing :



The above underlined reagents are the requested elected species. Analysis by mass spectrometry of the ethyl ester and the ethyl ester-d5 then provides the concentration of the ethyl ester which is assumed to be the concentration of the carboxylic acid in the sample.

In our last correspondence with the office, we did not fully understand the point made by the office. As the result we asked to amend the specification for the purpose of clarification of the claims without introducing new matter. Now that we elect the species as requested, we feel that the previous amendment is unnecessary. So we hereby ask the office to allow us to cancel our previous amendment and re-introduce our original specification. The claim listing now contains amended claims as canceled claims and original claims as new claims. The "detailed description of the invention" is labeled new and original to indicate that the original version is now the new version. The "abstract of the disclosure" is also labeled new and original to indicate that the original version is now the new version.

We thank you for the time you spent speaking by telephone with one of us to clarify the office 's point of view concerning election of species.

Sincerely and best regards,

Hoa D. Nguyen
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